

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

TODD MCCALLA,

Plaintiff,

v.

DOMAIN NAMES INTERNATIONAL, LLC,  
d/b/a Intrust Domains, and KEN PALM,

Defendants.

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Civil No. 3:10-1235  
Judge Trauger

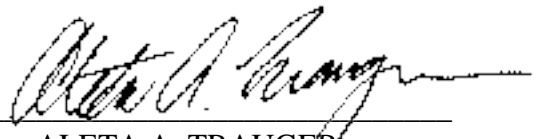
**ORDER**

Upon the court's request, the defendants have filed a Notice of Citizenship of Members of LLC (Docket No. 17) that reveals that defendant Ken Palm was a resident and citizen of the State of Tennessee on December 20, 2010. This is eight days before the filing of this lawsuit on December 28, 2010. (Docket No. 1) Diversity jurisdiction depends upon the citizenship of the parties on the date that the action is filed. *Grupo Dataflux v. Atlas Global Group, L.P.*, 541 U.S. 567, 570 (2004). Because both the plaintiff and a defendant were citizens and residents of the State of Tennessee on the date this action was filed, diversity jurisdiction does not attach.

For these reasons, this case is **DISMISSED** for lack of jurisdiction. All case management dates and the trial are hereby **VACATED**.

It is so **ORDERED**.

ENTER this 13<sup>th</sup> day of April 2011.

  
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ALETA A. TRAUGER  
U.S. District Judge